IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52013 of 2026

CNR No. BRHC010708012026

Arising Out of PS. Case No.-328 Year-2025 Thana- JOGSAR District- Bhagalpur

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Kamal Kishor @ Shashtri S/O Baleshwar Singh R/O Vill.- Garethia Darga Sonkaksh, P.s.- Barasia, Dist.- Bhopal, M.P.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XYZ S/O Late Hari Charan Das R/O Vill.- Bishanpur, P.s.- Lodipur, Dist.- Bhagalpur.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajnish Chandra, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 28-10-2026 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Jogsar P.S. Case No. 328 of 2025, instituted for the offences punishable under Section 137(2) of the Bharatiya Nyaya Sanhita, 2023, subsequently added Sections 96, 144, 98, 99, 318(4), 338, 336(3), 340(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of POCSO Act.

3. The prosecution case, in short, is that the informant, along with family members, had gone to a shopping mall, where

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the victim allegedly left at about 4:25 P.M. without informing anyone. As the informant and other family members failed to trace her, the present FIR was lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the petitioner has not committed any such offence as alleged against him. The petitioner is the *pujari* of a temple where the victim and co-accused person got married. It is next submitted that no specific allegation has been attributed against the petitioner rather the same is general and omnibus in nature. It is further submitted that statement of the victim has been recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, wherein she has not stated anything against the petitioner, hence, no any allegation of Section 96 of B.N.S. made out against the petitioner. The petitioner is in custody since 27.04.2026 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody

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undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jogsar P.S. Case No. 328 of 2025.

(Rudra Prakash Mishra, J)

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